

ENTERED

November 02, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RODNEY JOHNSON,

Plaintiff,

VS.

DALE WAINWRIGHT, *et al*,

Defendants.

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CIVIL ACTION NO. 2:19-CV-341

**ORDER ADOPTING AMENDED MEMORANDUM AND RECOMMENDATION
TO RETAIN CASE AND DISMISS CERTAIN CLAIMS**

On September 23, 2020, United States Magistrate Judge Jason B. Libby issued his “Amended Memorandum and Recommendation to Retain Case and Dismiss Certain Claims” (D.E. 18). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.


When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Amended Memorandum and Recommendation (D.E. 18), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court

RETAINS the RLUIPA claim against Bryan Collier and Evelyn Castro in their official capacities only for declaratory and injunctive relief. It is further ORDERED that

- (1) Dale Wainwright, Chairman Texas Board of Criminal Justice be dismissed from this action;
- (2) David Gutierrez, TDCJ Parole Division, and the unknown defendants be DISMISSED from this action;
- (3) Plaintiff's RLUIPA claim for monetary damages against all Defendants be DISMISSED with prejudice;
- (4) Plaintiff's constitutional and new state law claims (negligent and intentional infliction of emotional distress, invasion of privacy, and negligence) be DISMISSED with prejudice from this action; and
- (5) Plaintiff's state law claim under the Texas Religious Freedom Restoration Act (TRFRA) be DISMISSED with prejudice as frivolous and/or for failure to state a claim for relief.

ORDERED this 2nd day of November, 2020.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE